

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

ANTHONY D. AMAKER,

Plaintiff,

v.

**9:01-CV-877
(FJS/DEP)**

**T. KELLEY, J. LANDRY, P. T. JUSTINE,
O. MAYO, T. G. EGAN, D. A. SENKOWSKI,
M. ALLARD, R. GIRDICH, G. S. GOORD,
J. WOOD, DR. I. ELLEN, J. MITCHELL,
H. WORLEY, DR. L. N. WRIGHT, S. NYE,
M. MCKINNON, R. RIVERS, L. CORYER,
A. PAVONE, L. CAYEA, D. ARMITAGE,
J. CAREY, P. W. ANNETTS, R. RIVERA,
E. AIKEN, S. GIDEON, R. LINCOLN,
D. LINSLEY, C. O. GORDON, J. REYELL,
D. CHAMPAGNE, J. KELSH, W. CARTER,
F. BUSHEY, CHO PHILLIP, CHO DROM,
A. J. ANNUCCI, L. J. LECLAIR, D. LACLAIR,
T. L. RICKS, A. BOUCAUD, H. PERRY,
B. BANILER, R. LAMORA, E. LIBERTY,
G. RONSOM, R. MAYNARD, C. DAGGETT,
D. SELSKY, K. M. LAPP, R. SEARS,
J. BABBLE, SGT. CHAMPAGNE, DOCTOR
K. LEE, R. VAUGHAN, and M. NISOFF,**

Defendants.

APPEARANCES

OF COUNSEL

ANTHONY D. AMAKER

89-T-2815

Wende Correctional Facility
3622 Wende Road
P.O. Box 1187
Alden, New York 14004-1187
Plaintiff *pro se*

**OFFICE OF THE NEW YORK
STATE ATTORNEY GENERAL**
Department of Law
The Capitol
Albany, New York 12224

JEFFREY P. MANS, AAG

SCULLIN, Senior Judge

ORDER

On May 19, 2006, Defendants' counsel filed a Suggestion of Death with respect to Defendant Mayo. *See* Dkt. No. 195. In response, Plaintiff filed a cross-motion for substitution, seeking the name of Defendant Mayo's legal representative. *See* Dkt. No. 203. On December 20, 2006, this Court denied Plaintiff's cross-motion for substitution without prejudice to renew upon identification of Defendant Mayo's representative and granted Plaintiff additional time, until January 29, 2007, to file a renewed motion for substitution. *See* Dkt. No. 218. In addition, the Court instructed the New York State Attorney General's Office to "promptly disclose to Plaintiff and to the Court any information it has, or hereafter acquires, regarding the identify of Defendant Mayo's legal representative." *See id.* at 7. Thereafter, on December 29, 2006, the New York State Attorney General's Office filed a letter, advising Plaintiff and the Court that it "d[id] not have any information regarding the identity of the legal representative or successor to be substituted for . . . [D]efendant Mayo." *See* Dkt. No. 219.

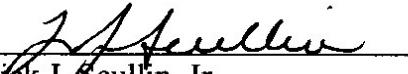
Although the Court provided him with an extension of time in which to do so, Plaintiff has not renewed his motion for substitution. Therefore, the Court hereby

ORDERS that Defendant O. Mayo is **DISMISSED** as a Defendant in this action; and the Court further

ORDERS that the Clerk of the Court shall serve a copy of this Order on the parties in accordance with the Local Rules.

IT IS SO ORDERED.

Dated: June 6, 2007
Syracuse, New York



Frederick J. Scullin, Jr.
Senior United States District Court Judge